

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: October 6, 2010
SUBJECT: **CONDITIONAL USE PERMIT NO. 10-021 (DELAWARE CLEARWIRE WIRELESS FACILITY)**
LOCATION: 18792 Delaware Street, 92648 (east side of Delaware Street between, Main Street and Garfield Avenue)

Applicant: John Moreland, Core Communications, 2903-H Saturn Street, Brea, CA 92821
Property Owner: Pacific Medical Towers, 10403 Los Alamitos Boulevard, Los Alamitos, CA 90720
Request: To permit the installation of new wireless communication antennas consisting of six (6) panel antennas, six (6) microwave dishes, six (6) DAP units, one (1) equipment cabinet and one (1) GPS antenna on the roof of an existing building at an overall height of approximately 151 feet.
Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
Zone: SP 14 (Beach and Edinger Corridors Specific Plan – Town Center Neighborhood)
General Plan: MP – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay)
Existing Use: Roof-top Wireless Facility

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of the minor alteration of an existing structure, involving no expansion of an existing building.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 10-021:

1. Conditional Use Permit No. 10-021 for the installation of new wireless communication antennas roof-mounted to an existing building at an overall height of approximately 151 ft will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project consists of affixing six (6) panel antennas, six (6) microwave dish antennas, six (6) DAP units, one (1) equipment cabinet, and one (1) GPS antenna on the roof of an existing building at an overall height of approximately 151 ft. The installation of the antennas will assist in filling a gap in coverage not already served by other similar facilities in the area. The project will not adversely impact the area by generating noise, traffic, or parking demand above levels which currently exist on the subject site. The requested height assists in enhancing wireless communications in the community by improving signal transmission and reception in the project vicinity.
2. The conditional use permit will be compatible with surrounding uses because the wireless communication facility will be co-located onto an existing facility located on the roof-top of an existing building. As conditioned, architectural screening is will be used to block all aspects of the facility including appurtenances and equipment from public view. The screening shall match the existing building colors and materials.
3. The proposed conditional use permit will comply with the provisions of the base zoning district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including the provisions of HBZSO Section 230.96 – Wireless Communications Facilities. Wireless antennas are permitted to exceed the maximum height limit of six stories within the Beach and Edinger Corridors Specific Plan (SP14) with the approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-pd (Mixed Use -Specific Plan Overlay – Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goal and policies of the General Plan:

A. Land Use Element

Goal LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Policy LU 2.1.1: Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

B. Utility Element

Policy U 5.1: Ensure that adequate natural gas, telecommunication and electrical systems are provided.

Policy U 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

The proposed facility will enhance wireless communications in the community by improving signal transmission and reception in the project vicinity. In addition, the installation, integration and co-location of antennas on the roof-top of an existing building, including the screening of the facility, will assist in minimizing the project's visual impact. The proposed facility is necessary to provide new radio frequency coverage in the vicinity.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 10-021:

1. The site plan and elevations received and dated July 15, 2010, shall be the conceptually approved design with the following modifications:
 - a. Architectural screening shall be provided to block all aspects of the facility including appurtenances and equipment from public view. **(DRB)**
 - b. Screening design shall match the existing building colors and materials. **(DRB)**
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning and Building Department.
 - b. Zoning entitlement conditions of approval and code requirements identified in a separately transmitted memorandum from the Departments of Planning and Building, Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
4. Final building permit(s) cannot be approved until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.

- c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
5. Conditional Use Permit No. 10-021 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryId=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.